

ropolitan Area Transit Authority under which the District and the Washington Metropolitan Area Transit Authority would be authorized to construct, maintain, and operate certain facilities designed to improve transportation in the Washington metropolitan area.

§ 216. Superintendent, etc., of Botanical Garden and greenhouses

There shall be a superintendent and assistants in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library.

(R.S. § 1827.)

CODIFICATION

R.S. § 1827 derived from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 491.

§ 216a. Restriction on use of appropriation for Botanical Garden

On and after July 31, 1958, no part of any appropriation for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

(Pub. L. 85-570, July 31, 1958, 72 Stat. 450.)

§ 216b. Utilization of personnel by Architect of Capitol for maintenance and operation of Botanic Garden

On and after December 27, 1974, with the approval of the Joint Committee on the Library, the Architect of the Capitol may utilize personnel paid from appropriations under his control for performance of administrative and clerical duties in connection with the maintenance and operation of the United States Botanic Garden, to such extent as he may deem feasible.

(Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777.)

§ 216c. National Garden

(a) Establishment; gifts

The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

(1) construct a National Garden demonstrating the diversity of plants,¹ including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the Botanic Garden Conservatory to Third Streets, S.W., in the District of Columbia; and

(2) solicit, receive, accept, and hold gifts, including money, plant material, and other property, on behalf of the Botanic Garden, and to dispose of, utilize, obligate, expend, disburse, and administer such gifts for the benefit of the Botanic Garden, including among other things, the carrying out of any programs, duties, or functions of the Botanic Garden, and for constructing, equipping, and maintaining the National Garden referred to in paragraph (1).

(b) Gifts and bequests of money; appropriations

(1) Gifts or bequests of money under subsection (a)(2) of this section shall, when received

by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled "Botanic Garden, Gifts and Donations". The gifts or bequests described under subsection (a)(2) of this section shall be accepted only in the total amount provided in appropriations Acts.

(2) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the Architect, without regard to section 5 of title 41, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

(c) Donations of personal services

(1) In carrying out this section and his duties, the Architect of the Capitol may accept personal services, including educationally related work assignments for students in nonpay status, if the service is to be rendered without compensation.

(2) No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or in connection with such services, other than a claim under the provisions of chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Botanic Garden.

(d) Tax deductions

Any gift accepted by the Architect of the Capitol under this section shall be considered a gift to the United States for purposes of income, estate, and gift tax laws of the United States.

(Pub. L. 100-458, title III, § 307E, Oct. 1, 1988, 102 Stat. 2183; Pub. L. 102-229, title II, § 209(a), Dec. 12, 1991, 105 Stat. 1716.)

REFERENCES IN TEXT

The income, estate, and gift tax laws of the United States, referred to in subsec. (d), are classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

1991—Pub. L. 102-229 amended section generally. Prior to amendment, section read as follows: "The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

"(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the United States Botanic Garden Conservatory to Third Street, S.W., in the District of Columbia; and

"(2) accept gifts, including money, plants, volunteer time, planning, construction and installation expenses, assistance and implements, and garden structures, on behalf of the United States Botanic Garden for the purpose of constructing the National Garden described in paragraph (1)."

¹ So in original. Probably should be "plants,".

FUNDS AVAILABLE FOR CONSTRUCTING, EQUIPPING, AND
MAINTAINING NATIONAL GARDEN

Pub. L. 102-392, title II, §201, Oct. 6, 1992, 106 Stat. 1716, provided that: "Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), not more than \$6,000,000 shall be accepted and not more than \$6,000,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden."

RENOVATION OF CONSERVATORY OF BOTANIC GARDEN

Section 209(b) of Pub. L. 102-229 provided that: "Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 [40 U.S.C. 216c], not more than \$2,000,000 shall be accepted and not more than \$2,000,000 of the amounts accepted shall be available for obligation by the Architect for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden."

§ 216d. Disbursement of appropriations for Botanic Garden

On and after November 5, 1990, all appropriations made on account of the Botanic Garden shall be disbursed for that purpose in the same manner as other appropriations under the control of the Architect of the Capitol.

(Pub. L. 101-520, title II, Nov. 5, 1990, 104 Stat. 2270.)

§ 217. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts May 13, 1926, ch. 294, 44 Stat. 548; Feb. 23, 1927, ch. 168, 44 Stat. 1157; May 14, 1928, ch. 551, 45 Stat. 528; Feb. 28, 1929, ch. 367, 45 Stat. 1397; June 6, 1930, ch. 407, 46 Stat. 516; Feb. 20, 1931, ch. 234, 46 Stat. 1186; June 30, 1932, ch. 314, 47 Stat. 393; Feb. 28, 1933, ch. 134, 47 Stat. 1362; May 30, 1934, ch. 372, 48 Stat. 828; July 8, 1935, ch. 374, 49 Stat. 471; Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 392; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchases for Botanic Garden.

§ 217a. Plant material exchanges

On and after July 8, 1935, plant material exchanges may be made with botanic gardens, institutions, municipal parks, and gardens.

(July 8, 1935, ch. 374, 49 Stat. 471.)

§ 217b. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 393; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchase of supplies for Botanic Garden. That part which was an exception to section 16 of Title 41, Public Contracts (repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743) was not repealed by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111, and was classified to former section 16b of Title 41. See note under sections 16a to 16d of that title.

§§ 218 to 220. Repealed. Oct. 31, 1951, ch. 654, § 3(19)–(21), 65 Stat. 709

Sections, R.S. §§1832 to 1834, respectively, related to annual statements, to the Architect of the Capitol, of public property in and about the Capitol and the Botanical Garden, the maintenance of an inventory of that property by the Architect, and annual reports by him to Congress with respect thereto, and inapplicability of those provisions to books, pamphlets, etc., in the Library of Congress, or to supplies of stationery and fuel.

§§ 221, 222. Omitted

CODIFICATION

Section 221, R.S. §1835, provided that no pay or compensation other than that fixed by Title XXI of the Revised Statutes should be allowed to any officer, employee, or laborer embraced within the provisions thereof. The only provision of that title fixing compensation was contained in R.S. §1822, which fixed the pay of the Capitol police. That provision is not classified to the Code. See section 5101 et seq. of Title 5, Government Organization and Employees.

Section 222, act May 13, 1926, ch. 294, 44 Stat. 547, related to purchases and services for Architect of Capitol.

§ 223. Capitol Grounds shuttle service; purchase, etc., of vehicles

Funds appropriated for the Capitol Grounds after October 1, 1976, shall be available for the purchase or rental, maintenance and operation of passenger motor vehicles to provide shuttle service for Members and employees of Congress to and from the buildings in the Legislative group.

(Pub. L. 94-440, title VI, Oct. 1, 1976, 90 Stat. 1453.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 224 of this title.

§ 224. Transportation of House Pages by Capitol Grounds shuttle service

The passenger motor vehicles authorized by section 223 of this title to provide a shuttle service for Members and employees of Congress may be used for the transportation of House Pages to and from special events associated with their education when approved by the House of Representatives Page Board: *Provided further*, That the use of the said passenger motor vehicles for transportation of House Pages shall not interfere with the shuttle service for Members and employees of the Congress.

(Pub. L. 99-151, title I, Nov. 13, 1985, 99 Stat. 801.)

CHAPTER 2A—NATIONAL ARCHIVES

§§ 231 to 232a. Transferred

CODIFICATION

Section 231, act June 19, 1934, ch. 668, §1, 48 Stat. 1122, which created the Office of the Archivist of the United States, was transferred to section 300 of former Title 44, Public Printing and Documents, and was thereafter repealed by act June 30, 1949, ch. 288, title VI, §602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, §7(d), 64 Stat. 590. See 2102 of Title 44.

Section 232, act June 19, 1934, ch. 668, §2, 48 Stat. 1122, which related to the salaries of employees of the National Archives and the appointment procedure of such employees, was transferred to section 300a of former Title 44, and was thereafter repealed by act June 30, 1949, ch. 288, title VI, §602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, §7(d), 64 Stat. 590. See section 758 of this title.

Section 232a, act May 23, 1938, ch. 259, 52 Stat. 421, which related to appointment of employees in accordance with the civil service laws, was transferred to section 300a of former Title 44, and was thereafter repealed by Pub. L. 90-620, §3, Oct. 22, 1968, 82 Stat. 1309. See section 758 of this title.

§ 232b. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 650

Section, act May 23, 1938, ch. 259, 52 Stat. 421, prescribed manner by which persons employed in National